

REMARKS

These remarks and the accompanying amendments are responsive to the Office Action mailed September 9, 2004 (hereinafter referred to as "the Office Action"). Claims 1-20 were pending at the time of the last examination. By this amendment, Claims 1 and 5 are amended, and Claim 4 is cancelled. Reconsideration and allowance for the above-identified application are now respectfully requested in light of these remarks and the accompanying amendments.

Section 3 of the Office Action rejects Claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over Yokouichi et al. (United States Patent No. 5,973,339) in view of Davids et al. (United States Patent Application Publication 2003/0161571). Section 2 of the Office Action indicated that Claims 4-8 were objected to as being dependent on rejected base Claim 1, but would be allowed if rewritten in independent form including all the limitations of the base claim. Finally, claims 9-20 were allowed.

Applicants have amended Claim 1 to include the limitations of prior Claim 4. Specifically, Claim 1 has been amended to include the limitation of Claim 4 that the detecting layer be one of PIN diode or an APD diode. Accordingly, Claim 1 (as amended) is similar in scope to the prior Claim 4, only in independent form. Accordingly, as implied by the Office Action, Claim 1 should now be allowed. Claims 2 and 3 depend from Claim 1, and should therefore be patentable for at least the reasons that Claim 1 is patentable.

Similarly, the applicants have amended Claim 5 to overcome the Examiner's objections. Specifically, Claim 5 has been rewritten in independent form to include the limitations of base Claim 1. Accordingly, the Examiner's objection is overcome. Objections to Claims 6-8, being dependent on amended Claim 5, have also been overcome.

Accordingly, Applicants respectfully request that the Examiner remove the 35 U.S.C. § 103(a) rejections. Applicants and applicant's attorney believe that they have addressed all of the issues raised by the Examiner in the Office Action and have put Claims 1-3 and 5-20 in a condition of allowance. Applicants therefore respectfully request that this application be allowed in a timely manner.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 6th day of December, 2004.

Respectfully submitted,



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